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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/820,586	04/08/2004	Boris Mayer	30691/DP008	8111
4743	7590	06/26/2006	EXAMINER	
MARSHALL, GERSTEIN & BORUN LLP 233 S. WACKER DRIVE, SUITE 6300 SEARS TOWER CHICAGO, IL 60606			BANGACHON, WILLIAM L	
		ART UNIT	PAPER NUMBER	
			2612	

DATE MAILED: 06/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/820,586	MAYER ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	William L. Bangachon	2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 15 May 2006.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 12-20 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 12-20 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 12/27/2006 is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |                                                                                                                          |                                                                             |
|--------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                              | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                     | Paper No(s)/Mail Date. _____ .                                              |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|                                                                                                                          | 6) <input checked="" type="checkbox"/> Other: <u>Examiner's comments</u> .  |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments, see Remarks, filed 5/15/2006, with respect to the rejection(s) of claim(s) 12-20 under 35 USC § 112 and 35 U.S.C. 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection under 35 U.S.C. 103(a) is made in view of USP 5,212,644 (Frisch) as follows:

### ***Specification***

2. Objection to the specification as failing to provide proper antecedent basis for the claimed subject matter is withdrawn.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

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1. Determining the scope and contents of the prior art.
  2. Ascertaining the differences between the prior art and the claims at issue.
  3. Resolving the level of ordinary skill in the pertinent art.
  4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
5. Claims 12-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over USP 5,774,053 {Porter} in view of USP 5,212,644 {Frisch}.

In claim 13, Porter teach of a electronic storage device (10) (the electronic parcel compartment system) with a user interface (26, 30) {col. 3, lines 42+}, for the delivery and pickup of goods, the user interface comprising a keypad (26) (the means for acquiring information from users of the electronic parcel compartment system) {col. 6, lines 6-15}, the electronic storage device comprises means for assigning vendors and/or homeowners (the users) to vendor groups (46) {col. 5, lines 37+} and being provided with a system control that allows a user to have access to a selection of several functions (such as locking, unlocking, notify customers, turn on AC or heating) of the electronic parcel compartment system, depending on the user group (vendors, homeowners, apartment dwellers) to which the user belongs {col. 5, lines 53-64; col. 6, lines 30-55}.

Porter does not disclose expressly “**an essentially simultaneous opening of several parcel compartments**”. Frisch, in the same field of endeavor, teaches of assigning a remote control unit to several locker/parcel compartment {Frisch, col. 3, lines 38-40 and lines 55-57+} for the purpose of allowing a group (i.e. police) to “**simultaneously open several or all locker/parcel compartments**”. Frisch suggests that “**opening several or all locker/parcel compartments at the same time**” is

advantageous because it allows authorities to conduct search procedures or other official functions {Frisch, col. 4, lines 35-40; col. 1, lines 56-60}. Therefore, at the time of applicant's invention, it would have been obvious to one of ordinary skill in the art to modify the system of Porter to include "**simultaneous opening of several or all locker/parcel compartments**", as taught by Frisch because it allows a group (i.e. police) to conduct search procedures or other official functions.

In claim 15, the means for assigning users to user groups (46) is connected to the user interface (26, 30) in such a way that the information acquired from the user interface is available to said means for the assignment of the users {Porter, col. 5, lines 37+; Booth et al, Table 1}.

In claims 14 and 16, the means for assigning the users (vendors, homeowners) to user groups (46) makes this assignment on the basis of information transmitted via a data line {Porter, col. 6, lines 6-7; Figure 5}.

In claim 17, the assignment to the user groups is performed by acquiring user identification information and by making a comparison of the user identification information to an entry in a database {Porter, col. 6, lines 6-15, lines 30-51}.

In claim 18, wherein different access authorizations to functions of the electronic parcel compartment system can be selected for different user groups {Porter, col. 6, lines 42+}.

In claim 19, at least one of certain parcel compartments and groups of parcel compartments are accessible only to certain user groups {Porter, col. 8, lines 12-22}.

In claim 20, the assignment of the parcel compartments to the user groups can be changed {Porter, col. 7, lines 46-50}.

Claim 12 recites a method for practicing the system of claim 13, and therefore rejected for the same reasons.

***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

USP 6,791,450 (Gokcebay et al) is cited in that it teaches of a user (i.e. delivery person) **activating a function that causes an essentially simultaneous opening of several locker/parcel compartments after assignment of the user to at least one specific user group** {col. 5, lines 3-6}.

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

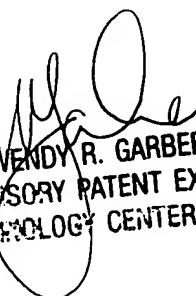
the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

***Office Contact Information***

8. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to William Bangachon whose telephone number is **(571)-272-3065**. The Examiner can normally be reached on Monday – Thursday, 8:30 AM – 4:30 PM.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Wendy Garber can be reached on **(571)-272-7308**. The fax phone numbers for the organization where this application or proceeding is assigned is **571-273-8300** for regular and After Final formal communications. The Examiner's fax number is **(571)-273-3065** for informal communications.

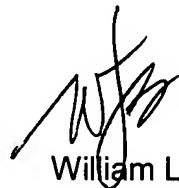
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866-217-9197** (toll-free).



WENDY R. GARBER  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.



William L Bangachon  
Examiner  
Art Unit 2635

June 15, 2006